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ABSTRACT

SUNY (State University of New York)-Binghamton's Off Campus College (OCC) has developed an inexpensive alternative for providing legal advice to students living off campus. Legal aid needs of off-campus students are greater due to possible disagreements concerning tenancy, security deposits, housing code compliance, utility bills, exterminators, and increased risk of traffic tickets and accidents. A free monthly legal clinic was founded by setting up a table for a lawyer and an OCC staffer in a highly trafficked area on campus. Tremendous response to the sessions resulted in making the "Free Legal Clinic" a weekly event with the later addition of evening legal clinics. For more complicated problems, students can set up an appointment with a community-recruited lawyer staffing the clinic. There is a $10 refundable charge for the first 30 minutes, with any future meetings paid for by the students. In addition, OCC has published a small claims court handbook describing court procedures and encouraging people to prepare themselves for their day in court as well as a booklet which is a step-by-step guide to collecting the hard-earned judgments. The necessary legal forms are available at no cost from the clinic. (JW)

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Providing legal services...

...to students living off campus

By Sandy Volt
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Students living off campus have more legal problems than their on-campus compatriots. This is not because of inherent differences in their law-abiding natures. Off campus students are in confrontive situations more often, that's all.

Life on campus tends to be sheltered. In their roles as landlords, most university administrators are benevolent. In fact, their concern is usually above and beyond that found in the traditional landlord-tenant relationship. In addition to providing shelter, services and personnel are made available to help students with social and academic planning. Counseling and student development programs are also offered. Since food, shelter, social and personal needs all are provided within a homogenous, isolated community on campus, contact with the "outside" world is limited to occasional forays to break the social, cultural and gastronomical monotony of dormitory life.

Advice and counseling for students living off campus must also be made available:

o For the first time in most of their lives, students, living as transients in the community(ies) surrounding campus, have to deal with landlords not looking out for the students' best interests. Eighteen or more years of living with parents, and possibly one or two years of dorm life, have not adequately prepared most students for dealing with the more mercenary aspects of private enterprise. This may lead to unfortunate situations developing for some: disagreements concerning conditions of tenancy, security deposits, housing code compliance, utility bills, exterminators, and the like.

o Because these off-campus students must "pay as they go" each month, money for rent, utilities and food must be available on a rigid schedule. On-campus students, as a rule, pay for all these major expenditures before the start of each semester. They don't face the same cash flow problems that could potentially lead to legal entanglements. (The temptation of shoplifting may occur at the end of the month when cash is low or non-existent... A cold snap might leave tenants short of cash to pay for a fuel oil delivery... A landlord can start eviction proceedings when full rent isn't paid by the due date...).

o Travel to and from campus increases the risk of traffic tickets and accidents for students. Increased exposure to merchants may lead to hearings in small claims court. Older and married students have questions about wills, separation-divorce, custody, property, etc.

Students living off campus do not have the same type of support system that is inherent in a residence hall environment. There are few, if any, university personnel or services devoted to helping students who live off campus cope with their environment. It's amazing to examine the marked contrast between the university resources committed towards services and programs available to the on-campus student with those provided for the off-campus students—especially when less than one-fourth of all students attending college live in college housing. These are the remnants of "in loco parentis"...tradition more than necessity.

There is a movement at a number of colleges and universities to provide adequate legal services to meet the needs of the student population. These services come in many forms and range from self-help legal guides and publications to lawyer referrals to legal advice and consultation to full-fledged legal representation.

The next section describes a program providing legal advice at SUNY-Binghamton that costs less than $2,000 a year. For additional information on providing legal services at colleges and universities, contact:

o National Resource Center for Consumers of Legal Services, 1302 18th St. NW, Washington, DC 20036

o Union of Students' Attorneys, Jack Mansel, President, Northern Illinois University, DeKalb, IL 60115

o Student Legal Services Task Force, American College Personnel Association Commission XV, Campus Judicial and Legal Affairs, Harold Adams, Assistant Vice President for Student Life, University of Louisville, Louisville, KY 40208.

INEXPENSIVE ALTERNATIVES FOR LEGAL ADVICE

Off Campus College (OCC) is an organization that was created to meet the needs and interests of students living off campus. One such service is a free legal clinic, initiated in the Spring of 1971. The need for this service became evident as OCC staffers were unable to provide bona fide legal information to students who came to us with problems and questions. A sympathetic lawyer was enlisted through a staffer's involvement in the local Parent-Teachers' Association.

A clinic was founded by setting up a table for the lawyer and an OCC stafier in a highly-trafficked area — the lobby of the Student Center, across from the Snack Bar — during lunch hour. In the first two years these free legal advice sessions were conducted once a month. The tremendous response to these monthly sessions resulted in making the "Free Legal Clinic" a weekly event by the Fall of 1973. Today these sessions are conducted every Wednesday from 11:30 a.m. to 1:30 p.m.

Evening Legal Clinics were added in the Fall of 1977 to serve students who work during the day or who just cannot attend the mid-day legal clinics. The clinics last one hour and are now held on the first and

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third Tuesday evenings each month during the academic year.

Individuals seeking legal advice line up and take their turns sitting at the clinic table. Behind the table sit a lawyer and an OCC staffer. Conferences usually last five to ten minutes. Everything told to the lawyer and the staff person is confidential. The OCC staff member takes notes during the clinic for four reasons: (1) to provide continuity from session to session, since each week there is a different lawyer, and a problem often returns; (2) to provide advice on university-related problems — financial aid, student accounts, housing contracts, judicial system, etc.; (3) to keep statistics; and (4) to record the students' questions and the lawyer's advice.

This information is used to train other staff members and peer advisers to help people who come to the OCC office between the weekly clinics. Information about recurring problems and suggestions for dealing with them are publicized in the university community through publications such as the **Self-Help Manual**, **OFF** (OCC's weekly newspaper), as well as the campus newspaper.

An average of 15—20 people come to each weekly clinic with a wide range of problems. The most frequent questions concern landlord-tenant relationships, consumer problems, accidents-traffic tickets and marital-family problems. Many of the problems are resolved in the course of the short talk with the lawyer.

OCC Lawyer Consultation Service

Sometimes the questions presented at the legal clinics are complicated or problems come up that can't wait until the next clinic to be heard by a lawyer. An OCC staffer will refer a student to one of the lawyers who staffs our clinics for a half-hour consultation. The students set up their own appointments and pay the lawyer $10 for the half-hour session. When students bring back their receipt and fill out a voucher, they are reimbursed when the voucher is processed. The $10 fee covers the first conference only. OCC makes it clear that it is not financially responsible for any subsequent arrangement the student makes.

Since students must deal with the community justice system we feel that it is absolutely necessary to recruit community lawyers rather than hire a full-time university or student government attorney who would be seen by the community as an outsider.

No one attorney specializes in every facet of student interests, so a variety of lawyers is sought. We seek out lawyers who are "establishment", yet sympathetic to the plight of students. They are familiar with the local justice system, the people in it and are effective in their efforts.

Presently there are fifteen lawyers, including six women, connected with the OCC legal services. Descriptions of some of our lawyers include:

o Stan Reiter — former President, Binghamton City Council.

o Barbara DelGross — Assistant Corporation Counsel, City of Binghamton.

o John Normile — former Binghamton City Corporation Counsel, OCC Adjunct Lecturer: "Criminal Justice" and "Administration and Distribution of Justice in Broome County."

o Walt Stefanski — Town of Union Judge.

o Bruce Zeftel — Clerk, New York State Supreme Court Judge.

o ELizabeth Bradley — OCC Adjunct Lecturer: "Sex Discrimination and the Law."

o Chuck Ingraham — former Vice-Chairman of Broome County Republican Party; OCC Adjunct Lecturer: "Sex and the Law."

o Barbara Friend — former Clerk, Broome County Court Judge; former Assistant Public Defender, Counsel to Lake Placid Olympic Committee.

Each semester our lawyers are evaluated by the OCC staffers working with the clinics and the people who utilize the service. Users are asked to give feedback to a staffer after their half-hour appointment, for example. Sometimes lawyers are dropped from the service. We try to ensure that students are served well. Lawyers must be effective counselors in addition to providing students with quality services at low cost.

The lawyers are paid $35 for a two-hour clinic; $25 for one-hour clinics. These fees and the $10 fee for a half-hour conference, are paid from mandatory student activities allocated to OCC from the Student Association. The pay isn't great, but it offers the lawyers an opportunity to escape from phones and their offices, gives a change of pace, provides new stimuli, and occasionally a case that yields a considerable fee.

Self-Help Legal Information

Many legal problems can be settled using small claims courts. An advantage of these courts is that lawyers are not necessary — you can represent yourself. In fact, due to the claims ceiling ($500, $1,000 or $1,500 in most states), many lawyers do not wish to recover secuity deposits or consumer refunds because their share of the award would not compensate them for the time and effort invested.

However, it's relatively easy to publish a guide to using small claims courts with the cooperation of court officials. OCC has produced a **Broome County Small Claims Courts Handbook**, describing the court procedures and encouraging people to prepare themselves for their day in court.

Over 80 percent of the students using the **Handbook** won their small claims court cases. Unfortunately this pointed up a weakness in the court — it does not enforce its judgments. Again with the cooperation of court officials, another booklet was published — **How to Collect Small Claims Judgments in Broome County Without an Attorney**. A step-by-step guide to collecting your hard-earned judgment is laid out and OCC makes available all the necessary legal forms at no cost. It's not an easy or quick process but is effective as well as educational.

Lastly, you can also tie-in to the state or local bar association. Many bar associations provide half-hour consultations at a low cost and may offer free pamphlets on topics such as separation and divorce, wills, accidents, etc.

The cost for producing your own publications is not much. In fact, some campuses have had the student newspaper and even the community paper publish the information as a public service. And it's very inexpensive to mimeo copies and make them available upon request.

Students belong in the classroom — not in lawyers' offices, court or jail. It doesn't take much effort to provide a service that's convenient and effective. Don't get caught in the trap of believing that legal services are totally unaffordable. Seek and ye shall find.

(For more information on Off Campus College's legal services and-or for copies of the two pamphlets concerning small claims court and the collecting of judgments, write to Off Campus College, SUNY-Binghamton, Binghamton NY 13901).